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DONNA TRUJILLO

E-FILED - 10/13/05

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA-SAN JOSE DIVISION

DONNA TRUJILLO,

Plaintiff.

vs.

SAN JOSE STATE UNIVERSITY POLICE,
et al.,

Defendants.

No. C05-01253-RMW

**STIPULATION AND ORDER
CONTINUING DEFENDANTS' NOTICE
OF MOTION AND MOTION TO DISMISS –
FRCP RULES 12(b)(6) & 4(m)**

Defendant Trustees of the California State University, incorrectly sued herein as San Jose State University Police, and related individual Defendants Chief of Police Andre Barnes, Sergeant Amado Ramirez, Officer Brad Beavers, Officer Michael Barnes, Officer Brad Wong, Security Officer Manual Ledesma, and Patricia Breivik, and Plaintiff, Donna Trujillo, through their attorneys of record, hereby stipulate and request that the hearing on said Defendants notice of motion to dismiss plaintiffs first amended complaint, currently scheduled for October 28, 2005 at 9:00 a.m., be continued for an additional 45 days – and that the Court immediately refer the action to mediation. This request is based on said parties willingness to submit this matter to mediation as soon as feasible, in anticipation that plaintiffs claims might be resolved without the need for further protracted litigation.

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1 DATED: October 7, 2005

GAVIN & CUNNINGHAM

2 By S//
3 Alan F. Hunter, Esq., Attorneys for Defendants

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5 DATED: October 7, 2005

FITZPATRICK, SPINI & SWANSTON

6 By S//
7 David S. Spini, Attorneys for Plaintiff

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10 **ORDER**

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12 Pursuant to the stipulation of the parties, Defendants Motion to Dismiss, previously scheduled
13 for October 28, 2005, is hereby rescheduled to December 2, 2005 at 9:00 a. m. In
14 addition, the action is hereby referred to mediation with the understanding that the parties will make a
15 good faith effort to complete mediation prior to the rescheduled hearing date. **The Case**
16 **Management Conference is reset to December 2, 2005 at 10:30 a.m.**

17 Dated: October **13**, 2005

18 /s/ Ronald M. Whyte
19 Ronald M. Whyte
20 United States District Judge
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